

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 109 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

=====

1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
PATEL ARVINDKUMAR AMRUTLAL

Versus

STATE OF GUJ  
-----

Appearance:

MR JR NANAVATI for Petitioners  
Mrs. Sidhi Talati for the respondent Government  
MR BJ JADEJA for Respondent No. 3, 4  
-----

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 29/09/1999

ORAL JUDGEMENT

#. This court had passed an order to hear SCA Nos.109,142 and 1812 of 1987 together. But today only SCA No.109 of 1987 is placed for hearing. It appears that SCA No. 1812 of 1987 is already disposed of. So far as SCA No. 142 of 1987 is concerned, the same is also disposed of as per the endorsement made on the

board. Now only SCA No. 109 of 1987 survives which is being decided today by this judgment.

#. In this petition the petitioner has challenged the selection of respondents nos 3 and 4 to the post of Assistant Professor (TB) on the ground that the respondents nos 3 and 4 had not completed the qualifying period of 3 years teaching experience on the last date of making the application on 29.11.1986 and that the Gujarat Public Service Commission (GPSC for short) should not have considered them for the purpose of selection on the aforesaid post. Accordingly, it has been prayed that the select list should be quashed and the names of respondents nos 3 and 4 which are placed in the select list should be deleted. The petition which has already been admitted has now come up for final hearing today.

#. It seems that initially, the petition was filed by two petitioners but subsequently the name of petitioner no.2 was deleted as he was not interested in proceeding with the petition.

#. The GPSC has filed affidavit-in reply through the Deputy Secretary at page 24. It has been pointed out in para 4 of the affidavit in reply that the petitioner had applied to the post of Assistant Professor (TB) in pursuance to the advertisement. It has been stated in the affidavit in reply that the petitioner was interviewed by the GPSC but he was not found fit for the said post. It has been pointed in the affidavit in reply that respondents nos 3 and 4 started residency in the subject of T.B with effect from 1.1.1983 and inspite of modification in the original Scheme by the Resolution dated 11.4.1983, they started getting teaching experience from 11.4.1983 and having gained teaching experience from 11.4.1983, they have completed 3 years teaching experience on 10.4.1986. Both of them have gained the requisite teaching experience of three years and that both of them were accordingly eligible for appointment to the post of Assistant Professor (TB) on the date of advertisement. Thus, their selection after holding interview to the post of Assistant Professor (TB) was in consonance with the Rules and therefore, their selection is not required to be interfered with with. The petitioner had appeared in the interview conducted by the GPSC and he has failed in the interview. Therefore, this petition is not required to be entertained at the instance of the said petitioner. In the circumstances the petition deserves to be dismissed and the same is

accordingly dismissed. Rule discharged with no order as to costs.

cgg